

**MINUTES FOR THE COURT OF APPEAL  
SECOND APPELLATE DISTRICT  
STATE OF CALIFORNIA**

**April 11, 2003**

DIVISION ONE

B157496 People (Not for Publication)  
v.  
Daniel Evangelisti

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

B153518 American First Run Studios (Not for Publication)  
v.  
Edgar Rice Burroughs, Inc.  
Mattel, Inc.

We remand the case for the trial court to issue an amended judgment incorporating the language included in the summary judgment order but omitted from the original judgment. As amended, we affirm the judgment. Burroughs and Mattel are entitled to their costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

April 11, 2003 (Continued)

DIVISION THREE

[illegible]

For the foregoing reasons, we modify the sentence imposed in this case by striking the one-year prior prison term enhancement imposed pursuant to section 667.5, and by imposing instead a five-year prior serious felony conviction enhancement pursuant to section 667, subdivision (a). The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B150820 Patrick Charles Jacobs (Not for Publication)  
v.  
Swift Transportation Co., Inc.

The judgment and the order denying plaintiff's motion for a judgment notwithstanding the verdict and a new trial are affirmed. Costs on appeal are awarded to defendant.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION FOUR

B152948      Rusheen      (Not for Publication)  
v.  
Cohen, et al.

The judgment is reversed. Appellant(s) to recover costs.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

April 11, 2003 (Continued)

DIVISION FIVE

B148579     Harris & Ruble  
               v.  
               Christopher R. Wojciechowski  
               Angela Naskar Wojciechowski

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Perluss, P.J., Johnson, J., Woods, J., Munoz, J. (Assigned) and Eva McClintock,  
Deputy Clerk.

Each of the following:

B155838 Mir v. Blue, et al.  
B161179 Schaefer, Inc. v. H & H Towing, Inc., et al.  
B160233 Gutierrez, et al. v. Baez

Argument waived, cause submitted.

B159333     City of Long Beach  
               v.  
               Dept. of Industrial Relations  
               State Bldg. Trades Council

Merits:  
Argued by Anthony Mischel and Scott Kronland for appellants and by  
Daniel Murphy for respondent. Cause submitted.

Court recessed at 9:44 A.M.

Court reconvened at 10:00 A.M.

Present: Perluss, P.J., Johnson, J., Woods, J., Munoz, J. (Assigned) and Eva McClintock,  
Deputy Clerk.

April 11, 2003 (Continued)

DIVISION SEVEN (Continued)

B160317      Precision Contractors  
                 v.  
                 Developers Ins., Co.

Merits:  
Argued by Amy Creager for appellant and by Stanley Haren for respondent.  
Cause submitted.

B157329      Neubauer, et al.  
                 v.  
                 Goldfarb

Merits:  
Argued by William Thomson for appellants and by David Enzminger for  
respondent. Cause submitted.

Court adjourned at 10:42 A.M.

B158184      Elwood  
                 v.  
                 Morin

Filed order denying petition for rehearing.

DIVISION EIGHT

B153652      Estate of ESTELLE H. STRADER, Deceased. (Certified for Publication)  
                 Hixon  
                 v.  
                 Grant, et al.

The judgment is affirmed. The parties are to bear their own costs.

Boland, J.

We concur:    Cooper, P.J.  
                 Rubin, J.

DIVISION EIGHT (Continued)

B153106      Embroidery Industries, Inc.                      (Not for Publication)  
v.  
LCI Laundry, Inc., a.k.a. Podell Industries, Inc.

Judgment is affirmed except as to the amount of damages. LCI Laundry, Inc., is granted a new trial upon the sole issue of the amount of damages unless within thirty days of the filing of this opinion, Embroidery Industries, Inc. consents to entry of judgment in the sum of \$400,020. Should Embroidery Industries, Inc., timely consent to such remission in accordance with California Rules of Court, rule 24(d), judgment shall be entered in the sum of \$400,020 and said judgment shall be deemed affirmed. Each party is to bear its own costs on appeal.

Boland, J.

We concur:    Cooper, P.J.  
                     Rubin, J.

B153997      People    (Not for Publication)  
v.  
Brown

The judgment is affirmed.

Rubin, J.

We concur:    Cooper, P.J.  
                     Boland, J.